

CONFIDENTIAL

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 6 August 1969



2. [REDACTED] Discussed S. 782 (Ervin bill) situation with Senator Birch Bayh (D., Ind.) and Mr. Larry Conrad, Chief Counsel of his Subcommittee. (See Memo for the Record.)

3. [REDACTED] Briefed Senator Birch Bayh in preparation for his upcoming travel to the Soviet Union covering security matters, travel suggestions, and possibility of his getting to see interesting Soviet officials and subjects which might be discussed with them. I recommended that on the latter points he be guided mainly on the advice of the Embassy.

4. [REDACTED] Received a call from Mrs. Glee Gomien, assistant to Senator Everett Dirksen (R., Ill.), concerning the case of an official of the Barber-Colman Company, Rockford, Illinois, who has apparently been having difficulty in obtaining a visa to visit Czechoslovakia on business. The company has been advised that a visa could be obtained by having their official travel with two members of Hör and Company of Vienna, Austria. Only the family names of the two individuals of Hör and Company are available. After checking with [REDACTED] I advised Mrs. Gomien that she should check with the Department of State on this matter, that travel into Czechoslovakia by any form of trick would appear to be risky in view of the apparent refusal of the Czechoslovakian government to issue a visa in a normal fashion. Mrs. Gomien later called and advised that the official of the Illinois firm turns out to be a West German national and that she is forwarding the matter to the Department of State.

CONFIDENTIAL

INTERNAL USE ONLY

Journal - Office of Legislative Counsel
Wednesday - 6 August 1969

Page 2

25X1 5. [] In response to his earlier call, I advised Mr. Gilbert LeKander, Administrative Assistant to Representative Frank T. Bow (R., Ohio), that a father's mental illness would not automatically disqualify an applicant for employment with the Agency. It would, however, bring special attention in review of the individual's own medical qualifications. Mr. LeKander was most appreciative and advised he would relay the information to Mr. Bow. See Journal of 4 August 1969.

25X1 6. [] Received a call from Miss Doris Scott, personal secretary to J.R. Blandford, House Armed Services Committee, who requested for Chairman Rivers a fact sheet on the news reports concerning the establishment of a Soviet naval base in Cuba. I thanked Miss Scott for the call and told her I would be back in touch in the morning.

25X1 7. [] Mr. John S. Warner responded to the call from Larry Conrad, Chief Counsel, Senate Subcommittee on Constitutional Amendments, of last evening concerning changes to be considered to proposed amendments to S. 782 which were forwarded to Mr. Conrad yesterday. See Memorandum for the Record.

25X1 8. [] In followup of my meeting last evening with Miss Marcia MacNaughton, Professional Staff Member, Senate Subcommittee on Constitutional Rights, told her the personality testing has not changed since 1966. We did not discuss the effect of the proposed legislation on Agency use of personality tests which was also covered in the Chairman's letter of 1 August. Miss MacNaughton called me later in the day after the Subcommittee's meeting and advised that several considerations on possible amendments were discussed but no vote was taken by the Subcommittee. In all probability she feels the Agency's desires will be met in the amendments with the exception of the inclusion of the requested reference of section 102(c) of the National Security Act. See Memo's for Record for details.

25X1 9. [] Talked to [] NSA, 25X1 at various times during the day bringing him up-to-date on events in the Senate Subcommittee on Constitutional Rights and reached agreement with him that the Agency and NSA would respond individually to the 1 August 1969 letter from Senator Ervin concerning the Agency's and NSA's policies and procedures relating to personality testing. Advised [] that the 25X1 pressure for response is off since the Subcommittee has met, but that Miss MacNaughton advised the Chairman still desires a written response from each of us. See Memorandum for the Record.

INTERNAL USE ONLY

SUGGESTED EXEMPTION LANGUAGE TO S. 782

FIRST PREFERENCE:

This Act shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, or any other agency, or to any office, bureau, or entity within an agency, performing primarily intelligence, investigative, or security functions if the head of the agency determines that the provisions of this Act cannot be applied in a manner consistent with national security requirements and considerations.

SECOND PREFERENCE:

Page 19, following line 19, insert a new paragraph:

"8. Subsection 1(k) and Sections 4 and 5 of this Act shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, or to any other agency, or to any office, bureau, or entity within an agency, performing primarily intelligence,

investigative, or security functions, or to persons employed by, or detailed to, or applicants for employment with, such agencies, if the head of the agency determines that the above-specified provisions of this Act cannot be applied in a manner consistent with national security requirements and considerations: Provided, however, That nothing contained in this Section shall be construed to prohibit an employee of any agency contemplated by this Section, who is under investigation for misconduct, from having present during interrogation which could lead to disciplinary action, or seeking advice and counsel of, a fellow employee of his choice from such agency: Provided further, however, That nothing contained in this Section shall be construed to prevent an employee of or applicant to any agency contemplated by this Section claiming to be affected or aggrieved by any violation or threatened violation of this Act from filing a written complaint with the Board on Employees' Rights: Provided further, however, That such complaint may be filed only after all procedures for adjudicating such complaints within the agency concerned have been exhausted and a final action taken by the head of the agency concerned, that is determined by the employee or applicant to be adverse: And Provided further, That nothing in this Act shall

affect or modify the authority of the Director of Central Intelligence as set forth in Section 102(c) of the National Security Act of 1947, as amended, or the authorities set forth in Subchapter III of Title 50 of the U.S. Code (P.L. 88-290)."

(NOTE: Attention is called to the fact that the exemption from Sections 4 and 5 of the bill contemplated in each of the foregoing suggested amendments merely means that an aggrieved employee shall not have immediate access to the U.S. district court--it in no way interferes with his normal access to such court after exhausting administrative remedies.)